

H16

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/854,336	HENDRICK, COLIN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Allyson N. Trail	2876	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the request for reconsideration filed 2/13/2006.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                     |                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                                    | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                              |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No./Mail Date <u>2/10/06</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                                                 |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                     |
|                                                                                                                     | 9. <input type="checkbox"/> Other _____                                                                  |

## **DETAILED ACTION**

### ***Amendment***

1. Receipt is acknowledged of the Amendment filed February 13, 2006.

### ***Remarks***

2. The pending claims 1-28 were discussed during a telephone interview conducted February 10, 2006. Specifically, independent claims 1, 11, 21, and 28 were discussed with respect to the meaning of the term "digital rights" and the difference between the prior art and the current claims with respect to the disclosed meaning of digital rights. The applicant emphasizes that managing digital rights, which is often referred to in the art as "Digital Rights Management" (DRM), is a term of art and is explained in the specification (page 12) that digital rights information is used "...to access and use the digital content in accordance with the access rights information and the usage rights information. The usage rights information may include at least one read-only rights, print rights, download rights, save rights, and distribution rights." Therefore, as known the art, and explained the specification, DRM relates to the restricted access and use of digital content. Further disclosed by the applicant is a definition according to Wikipedia.org, which defines DRM as the following: "handles description, layering, analysis, valuation, trading of the rights held over a digital work." Using the applicant's definition, DRM as used in the independent claims is distinct from the validation, which is taught by prior art Surloff et al. Validation allows a user to either access a network or prevents a user from accessing a network depending on the credentials of the user where as DRM controls how digital content is consumed.

***Allowable Subject Matter***

3. Claims 1-28 are allowed.

The following is an Examiner's statement of reasons for allowance: The prior art of record, taken alone or in combination, fail to teach or fairly suggest the system, method, or data card used for managing digital rights of digital content over a network as is disclosed in claims 1, 11, 21, and 28 of the current invention. The claimed apparatus and method include using a data card, which contains user information including digital rights information specific to a user, wherein the data card has a memory component for enabling information to be stored within the data card. The method and system include the an application program resident on the memory component of the data card, wherein the application program is configured to operate in conjunction with a universal language for creating and controlling digital rights, to manage user rights of the digital content available on the network based on the digital rights information specific to the user which is contained on the data card. The combination of all of the limitations discussed above are not disclosed in prior art, and moreover, one of ordinary skill in the art would not be motivated to come up with the claimed invention.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Allyson N. Trail  
Patent Examiner  
Art Unit 2876  
March 13, 2006



KARL D. FRECH  
PRIMARY EXAMINER